

AN ORDINANCE

96671

CLOSING, VACATING AND ABANDONING IMPROVED PORTIONS OF GREENCREST DRIVE AND VANCE VIEW DRIVE PUBLIC RIGHTS OF WAY LOCATED IN NCB 11681 AS REQUESTED BY HILL-GRANADOS RETAIL PARTNERS, LTD., A TEXAS LIMITED PARTNERSHIP, AS PETITIONER, CONTINGENT UPON THE CLOSING OF THE PURCHASE OF THE GILLESPIE FAMILY PROPERTY ADJACENT TO SAID STREETS, IN EXCHANGE FOR THE CONVEYANCE BY SPECIAL WARRANTY DEED OF APPROXIMATELY FOUR (4) ACRES OF LAND AND HOUSE IN NCB 11681 APPRAISED AT A VALUE OF \$440,000.00 TO BE DESIGNATED AS PARK SPACE AND NAMED "VIRGINIA MARIE GRANADOS PARK"; AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF ANY DOCUMENTS NECESSARY TO FACILITATE THE TRANSACTION.

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WHEREAS, Hill-Granados Retail Partners, Ltd., a Texas limited partnership (Petitioner), has requested closure, vacation, and abandonment of improved portions of Greencrest Drive and Vance View Drive Public Rights of Way, located within N.C.B. 1168 (Subject Property); and

WHEREAS, the "Gillespie Family", as abutting property owner, has entered into a contract to sell its property to the Petitioner and has consented to the proposed closure; and

WHEREAS, Petitioner has requested a street closure of the Subject Property in order to develop the area into a retail center and proposes to realign the remaining portion of Vance View and extend La Manda Boulevard to provide access for abutting property owners to Vance Jackson Road; and

WHEREAS, the property owners that currently access the Subject Property to Vance Jackson Road will not be affected by this closing and realigning of the street since the new access will be completed before the Subject Property is closed; and

WHEREAS, the City has agreed to accept as consideration, approximately four (4) acres of land and a house in N.C.B. 11681 that is appraised at \$440,000.00 which will be designated for park purposes and named "Virginia Marie Granados Park"; and

WHEREAS, the Subject Property is surplus to the needs of the City of San Antonio and staff has proposed that it be transferred by the City to Petitioner; and

WHEREAS, Petitioner's request has been circulated through all interested City departments and utility agencies involved and Petitioner has agreed to the conditions and/or restrictions imposed by the Departments of Planning, Public Works, Development Services, Fire, Asset Management, as well as the City Public Service Board, and the San Antonio Water System; and

WHEREAS, the City Planning Commission considered this request at its regular meeting of October 23, 2002 and recommended approval to the City Council, which, following a public hearing on October 31, 2002, approved such closure; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Improved portions of Greencrest Drive and Vance View Drive Public Right of Way located within N.C.B. 11681 are hereby declared surplus to the needs of the City of San Antonio and are closed, vacated and abandoned as City of San Antonio public right-of-way, as requested by Hill-Granados Retail Partners, Ltd., a Texas limited partnership, subject to the contingencies set forth in **SECTION 2.** and **SECTION 3.** hereafter. Said Subject Property is shown on **Exhibit A** attached hereto and incorporated herein verbatim for all purposes.

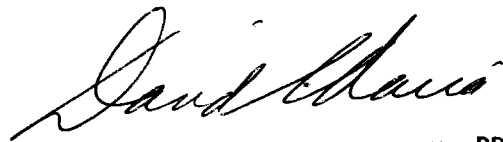
SECTION 2. Closing, vacating and abandoning of the improved portions of Greencrest Drive and Vance View Drive Public Right of Way, is contingent upon the closing of the purchase of the Gillespie Family property adjacent to said public rights of way, in exchange for the conveyance to the City by Special Warranty Deed of approximately four (4) acres of land and a house in NCB 11681 to be designated for park purposes and named "Virginia Marie Granados Park," as legally described and shown on **Exhibit B** attached hereto and incorporated herein verbatim for all purposes. A copy of the Special Warranty Deed is attached hereto as **Exhibit C** and incorporated herein verbatim for all purposes. Should a Special Warranty Deed not be executed within 45 days from the effective date of this Ordinance, the authority granted herein shall expire.

SECTION 3. Such closing, vacating and abandoning is also contingent on Petitioner's agreeing to conditions set forth in a Letter Agreement, a copy of which, signed by Petitioner, is attached hereto as **Exhibit D** and incorporated herein verbatim for all purposes.

SECTION 4. The City Manager or a designee, is hereby authorized to execute any and all legal documents, deemed necessary by the City Attorney's Office, to facilitate the closing, vacating, and abandonment of this public rights of way and acceptance, on behalf of the City of San Antonio, of approximately four (4) acres of land and a house in N.C.B. 11681 referenced in **SECTION 2**, which property, upon acceptance, will be designated for park purposes and named "Virginia Marie Granados Park."

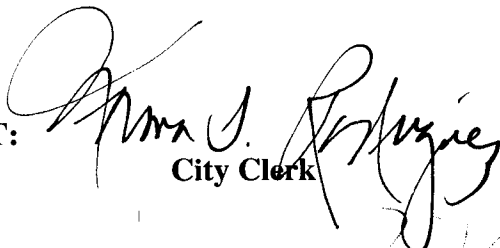
SECTION 5. This ordinance shall be effective on the 10th day of November, 2002.

PASSED AND APPROVED this 31st day of October, 2002.

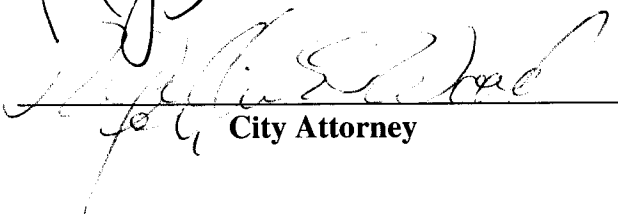


M A Y O R PRO TEM

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney